

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Andrew Plummer, # 299191,)	C.A. No. 8:10-1966-TLW-BHH
aka Andrew S. Plummer, aka Andrew Sean Plummer,)	
)	
Plaintiff,)	
)	
-versus-)	ORDER
)	
State of South Carolina; Allendale Fairfax Sheriff)	
Department; Allendale Fairfax Magistrate Court;)	
South Carolina Department of Corrections;)	
Allendale C.I.; Sheriff Investigator Orr;)	
Sheriff Investigator Braham; Judge Rita W. Brown;)	
Allendale Fairfax Clerk of Court;)	
SCDC Warden George T. Hagan; Dir. Ozmint;)	
SCDC Prisoner L. Knotts, within their individual and)	
official capacities,)	
)	
Defendants.)	
_____)	

This matter is now before the undersigned for review of the Report and Recommendation (“the Report”) filed by United States Magistrate Judge Bruce Howe Hendricks, to whom this case had previously been assigned pursuant to 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2) (D.S.C.). In her Report, Magistrate Judge Hendricks recommends that the District Court partially dismiss the Complaint in this case as to Defendants State of South Carolina, Allendale Fairfax Sheriff Department, Allendale Fairfax Magistrate Court, Allendale C.I., South Carolina Department of Corrections, Judge Rita W. Brown, Allendale Fairfax Clerk of Court, and SCDC Prisoner L. Knotts without prejudice and without issuance and service of process. The Report further recommends that the Complaint be served on the remaining Defendants. The Report was filed on October 12, 2010. Plaintiff filed objections to the Report on October 27, 2010.

In conducting this review, the Court applies the following standard:

The magistrate judge makes only a recommendation to the Court, to which any party may file written objections. . . . The Court is not bound by the recommendation of the magistrate judge but, instead, retains responsibility for the final determination. The Court is required to make a de novo determination of those portions of the report or specified findings or recommendation as to which an objection is made. However, the Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the Report and Recommendation to which no objections are addressed. While the level of scrutiny entailed by the Court's review of the Report thus depends on whether or not objections have been filed, in either case, the Court is free, after review, to accept, reject, or modify any of the magistrate judge's findings or recommendations.

Wallace v. Housing Auth. of the City of Columbia, 791 F.Supp. 137, 138 (D.S.C. 1992) (citations omitted).

In light of this standard, the Court has reviewed, de novo, the Report and the objections thereto. The Court accepts the Report.

THEREFORE, IT IS HEREBY ORDERED that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 26); plaintiff's objections are **OVERRULED** (Doc. # 30); and the Complaint in this case is **DISMISSED** as to Defendants State of South Carolina, Allendale Fairfax Sheriff Department, Allendale Fairfax Magistrate Court, Allendale C.I., South Carolina Department of Corrections, Judge Rita W. Brown, Allendale Fairfax Clerk of Court, and SCDC Prisoner L. Knotts without prejudice and without issuance and service of process. The Complaint shall be served on the remaining Defendants.

IT IS SO ORDERED.

s/ Terry L. Wooten

TERRY L. WOOTEN

UNITED STATES DISTRICT JUDGE

December 10, 2010

Florence, South Carolina